## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )			
	Plaintiff,	) 8:09CR28 )	
	vs.	) DETENTION ORDER	
DΑ	VID L. JOHNSON,		
	Defendant.	<b>\</b>	
A.	Order For Detention After conducting a detention hearing pursua Act on January 30, 2009, the Court orde pursuant to 18 U.S.C. § 3142(e) and (i).	nt to 18 U.S.C. § 3142(f) of the Bail Reform rs the above-named defendant detained	
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X             By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.             X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.         </li> </ul>		
C.	distribute "crack" cocaine and the distribution of "crack" of 21 U.S.C. § 841 each imprisonment and a max (b) The offense is a crime of (c) The offense involves a nax	and includes the following: e offense charged: y to distribute and possess with intent to e (Count I) in violation of 21 U.S.C. § 846 ack" cocaine (Counts II and III) in violation carry a minimum sentence of five years imum of forty years imprisonment. violence.	
	may affect wheth The defendant h X The defendant h X The defendant h X The defendant is The defendant of ties. Past conduct of X The defendant h Court proceeding	as no substantial financial resources. Into a long time resident of the community. Into a long time resident o	

DETENTION ORDER	- Page 2
(c)	Parole Release pending trial, sentence, appeal or completion of sentence.  Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
	nature and seriousness of the danger posed by the defendant's e are as follows: The nature of the charges in the Indictment.
In dete on the which <u>X</u> (a)	trable Presumptions ermining that the defendant should be detained, the Court also relied following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted:  That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
_X_ (b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:  X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.  (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

 D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending

 appeal; and

## **DETENTION ORDER - Page 3**

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

4. Pretrial Services shall obtain a substance abuse evaluation of the defendant and provide a copy of the report to the court and counsel. Thereafter, any party may file a motion to review the order of detention.

DATED: January 30, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge